

Panaji, 22nd May, 2003 (Jyaistha 1, 1925)

SERIES II No. 8

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note:- There is One Extraordinary issue to the Official Gazette Series II, No. 7 dated 16-5-2003 as follows:-

Extraordinary dated 19-5-2003 from pages 143 to 146 regarding Notification from Department of Finance (Revenue & Control Division)

GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 19/12/94/TS/RCS

- Read:- (1) Order No. 19-12-94/TS/RCS dated 9th November, 2001.
- (2) Order No. 19-12-94/TS/RCS dated 9-5-2002.
- (3) Letter No. GSECCS/D/02-03 dated 23-10-2002 from the Chairman, Committee of Administrator, Goa Shipyard Employees Co-operative Credit Society Ltd., Vasco-da-Gama.
- (4) Letter No. 18-55-86/ARSZ/Credit/Vol. III dated 6-11-2002, received from Asstt. Registrar of Co-op. Societies, South Zone, Margao.

By virtue of the power vested in me under Section 78 of the Maharashtra Co-operative Societies Act, 1960 as in force in this State read with Rule 61 of the Co-operative Societies Rules, 1962 I, P. K. Patidar, Registrar of Co-operative Societies, Government of Goa, hereby extend the period of Committee of Administrator of the Goa Shipyard Employees Co-op. Credit Society Ltd., Vasco, appointed vide Order referred to above for the further period of 1 year from 9-11-2002 to 8-11-2003. The Committee of Administrator shall ensure that necessary steps for holding election to the Managing Committee of the Society are taken well in advance so as to facilitate to handover the charge of the Society to the newly elected Managing Committee before expiry of the term of the Committee of Administrator e.i. 8-11-2003. The

election should be held within the extended period and no further extension will be granted under any circumstances.

P. K. Patidar, Registrar of Co-op. Societies.

Panaji, 12th November, 2002.

Order

No. 19/1/2002/Salcete/TS/RCS

Before the Registrar of Co-operative Societies, at Panaji.

To,

1. Shri Babli S. Naik,
Chairman, The Salcete Urban Co-op.
Credit Society Ltd.,
5, Commerce House, Luis Miranda Road,
Margao-Goa.
2. Shri Amresh Naik,
House No. 113, Fatorda,
Margao-Goa.
3. Shri Vinay Borkar,
Marzup Kadar Building,
Near Hari Mandir,
Margao-Goa.
4. Shri Amirchandra Vernekar,
C/o Modern Electronics, Fernandes
Building, H. No. 107,
Near Railway Gate,
Margao-Goa.
5. Shri Bhaskar Amonkar,
IInd Floor, Sincro Towers,
Fatorda, Margao-Goa.
6. Shri Gregorious Dias,
Near Saraswat Bank, Margao Goa.
7. Shri Shaikh Jalal,
G-4, Sanchayani Building,
Behind Santosh Garage,
Aquem-Alto, Margao-Goa.

8. Shri Guruprasad S. Ghate,
Prabhakar, Housing Society,
Fatorda, Margao Goa.
9. Smt. Sheela Pednekar,
House No. 401, A-Shantinagar, Ravanphond,
Aquem Alto, Margao Goa.
10. Shri D. R. Prabhudessai,
Secretary, The Salcete Urban Co-op. Credit
Society Ltd., 5, Commerce House,
Luis Miranda Road, Margao-Goa.

(Names of the persons cited above at Sr. No. 1 to 9 are members on the Managing Committee and 10 being Secretary of the Salcete Urban Co-op. Credit Society Ltd., Margao Goa.)

- Read:- 1) Letter No. GSCB/I&A/2001-02/8701 dated 16th January, 2002 from the Goa State Co-op. Bank Ltd., Panaji.
- 2) Inquiry Report dated 19th April, 2002 submitted by Shri Ramesh P. Naik, Sr. Inspector, Inquiry Officer of Co-op. Societies, South Zone, Margao Goa.
 - 3) Notice No. 19/1/2002/Salcete/TS/RCS dated 12th July, 2002 issued in terms of provisions of sub-section (1) of section 78 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read with rule 61 of the Co-op. Societies Rules, 1962.
 - 4) Letter dated 17th July, 2002 received from Shri Vithoba M. Desai, Janki Sadan, Shantinagar, Navelim, Salcete Goa.
 - 5) Letter dated 17th July, 2002 and 26th July, 2002 received from Shri Amaresh R. Naik, 113, Fatorda, Margao-Goa.
 - 6) Letter dated 2nd August, 2002, received from Smt. Sheela Pednekar, Director, the Salcete Urban Co-op. Credit Society Ltd.,
 - 7) Letter dated 2nd August, 2002 received from Shri Amirchandra Vernekar, Director, the Salcete Urban Co-op. Credit Society-Ltd.,
 - 8) Letter dated 2nd August, 2002 received from Shri Shaikh Jalal, Director, the Salcete Urban Co-op. Credit Society Ltd., Salcete.
 - 9) Letter dated 2nd August, 2002, received from Babli S. Naik, Chairman, The Salcete Urban Co-op. Credit Society Ltd.,
 - 10) Letter dated 2nd August, 2002, received from Damodar R. Prabhudesai, Secretary, the Salcete Urban Coop. Credit Society Ltd.,
 - 11) Letter dated 29th July, 2002, received from Shri Guruprasad Ghate, Flat, No. 4,

Prabhakar Co-op. Housing Society Ltd.,
Murida, Fatorda, Margao Goa.

- 12) Letter dated 2nd August, 2002, received from Shri Bhaskar Amonkar, 2nd Floor, Sincro Towers, Behind Margao Municipality, Margao-Goa.
- 13) Reply/Letter dated Nil received from the Chairman and Secretary of Salcete Urban Co-op. Credit Society Ltd., Margao Goa.
- 14) Letter dated 5th September, 2002, received from Goa State Co-op. Bank Ltd., Panaji.

1. The Salcete Urban Co-op. Credit Society Ltd., Margao-Goa, is a Co-op. Credit Society registered under the provisions of the Maharashtra Co-op. Societies Act, 1960 as in force in the State of Goa (hereinafter referred to as the "said Act") and the Co-op. Societies Rules, 1962 framed thereunder (hereinafter referred to as the "said Rules") under the Notification No. 5-523-1994/ARSZ/Credit dated 9-3-1994 and classified as the "Resource Society" in terms of Rule 9(8) (a) of the said Rules, to fulfil the objects as enshrined in bye-law No. 4 of the bye-laws of the society.

2. The Managing Committee of the society was elected on 10-6-2000 for a period of 3 years from the date of election in terms of provisions of bye-law No. 33 of the bye-laws of the society. The Secretary referred at Sr. No. 10 above is overall incharge of the records as well as manages the day today affairs of the society as a Chief Executive.

3. The Goa State Co-op. Bank Ltd., Panaji has submitted the letter dated 16-1-2002 pointing out certain irregularities in the functioning of the society which are narrated in detail in the show cause notice dated 12th July, 2002 referred to at Sr. No. 2 above and requested to appoint an Administrator to run the affairs of the society.

4. On the basis of points of reference made by the Goa State Co-op. Bank Ltd., Panaji, an inquiry under Section 83(1) of the said Act read with Rule 68 of the said Rules was conducted into the affairs of the society by the Sr. Inspector of this office, whereby he has noticed that the society has not issued sanction letters with terms and conditions to the borrowers. Further, as per bye-law No. 47 the maximum loan which could be sanctioned to an individual member is Rs. 50,000/-. However, in many cases the society has violated the provisions of said bye-law and sanctioned loan above the prescribed limit which proves that the affairs of the society are not being managed in accordance with the provisions of Act, Rules and Bye-laws of the society which is considered as a serious lapse on the part of the management and thus liable for action.

5. As regards to the maintenance of liquidity ratio is concerned, it is observed that the society has violated

the instructions issued by the Registrar of Co-op. Societies from time to time and the present liquidity ratio maintained by the society is shortfall by Rs. 32,567/-. Moreover, no N. P. A. provisions as desired under statutory norms have been applied to create necessary debt reserved by the society against such loan cases.

6. On verification of some of the salary vouchers, it was observed that the salary which is being paid to the Secretary to the tune of Rs. 11,500/- per month is highly exorbitant in relation to the work being carried out by him. Moreover, the pay scale which has been given to him by the managing committee is required to be got approved from the competent authority which has not been done in the instant case. The payment of such a high salary is a great financial burden on the exchequer of the society. Further an yearly increment of Rs. 1,000/- is being offered to the Secretary w.e.f. 1-4-1999, which does not suit the existing norms of fitments of such scales of pay, anywhere.

7. Shri Babli S. Naik, Chairman of the society has availed loan of Rs. 20,000 from the society in the year July, 1995 and was required to repay the same by July 1998. However, on account of non-repayment of said loan amount, the loan has become totally overdue and the amount of overdue runs to Rs. 44,925/-. So also Mr. Amresh Naik, member of Managing Committee has availed loan of Rs. 50,000/- in the year 1997 and the loan account is running overdue to the extent of Rs. 10,501/-. Further, the Secretary of the society has also availed loan to the tune of Rs. 11,000/- in the year 1997 and his loan account is running overdue to the extent of Rs. 15,303/- due to non-repayment of the same. Therefore, as per bye-law No. 35(4) of the bye-laws of the society and provision of Rule 55 of the Co-op. Societies, Rules, 1962, these members shall be deemed to have vacated their office even before the expiry of the normal terms. However they continue on the Managing Committee illegally and without any moral ground.

8. From the loan outstanding statement as on 31-3-2002 it is observed that the society has advanced loan to the tune of Rs. 47,89,880/- and as on 31-3-2002 Rs. 53,19,416/- are outstanding and of which an amount of Rs. 50,53,538/- is overdue and the percentage of the same works out to 95%.

9. In case of the Gold loan, it was observed that an amount of Rs. 3, 43,981/- are outstanding which is totally overdue. Normally, the period of gold loan is one year. However, in some cases it was observed that the loan against gold which was advanced in the year 1996 is still overdue and no action has been initiated against such defaulters nor the same has been put to auction and the Secretary did not even bother to issue the notices to the principal borrower to repay the same.

10. In terms of the bye-law No. 38(6), it was expected from the Secretary and the Managing Committee of the society to take timely action against the defaulters by filling the arbitration cases under Section 91 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa. However, in the case, it is observed that the Secretary and the Managing Committee has not bothered to initiate any action against the defaulters and as a result of which loan amount have become overdue. Moreover, on verification of certain loan files the inquiry officer has observed that many serious observations have been made as regards to the loan documentation and management has been found negligent in discharging their duties while obtaining the loan documents.

11. Based on the enquiry report submitted by Asstt. Registrar of Co-op. Societies, South Zone, Margao dated 19-4-2002 to the undersigned and after considering the said inquiry report and satisfying himself about the facts and figures reported in the said report, a show cause notice dated 12-7-2002 in terms of provisions of sub-section (1) of Section 78 of the said Act and Rule 61 of the said Rule was served to all the members of the Managing Committee to show cause, in writing within the stipulated period mentioned therein from the date of issue of the notice, as to why, the present Managing Committee should not be removed from the office and an Administrator or Committee of Administrators be appointed in their place to manage the affairs of the society. All the members on the Managing Committee were also called upon to appear before the undersigned for personal hearing which was fixed on 2-8-02 at 4-00 p. m. and subsequently adjourned to 9-8-02 with a view to give ample opportunity to the parties concerned of being heard of all the persons concerned fully and to provide them natural justice.

12. Accordingly, the Managing Committee members have submitted their written replies, Shri Vithobha M. Desai member of the Managing Committee have submitted a copy of his resignation letter. Shri Amaresh Naik in his reply has informed that the amount shown outstanding against his account was cleared by him prior to receipt of showcause notice. Further, he has informed that he has tendered his resignation vide his letter dated 17-7-2002 and he has no objection for appointment of an Administrator. Smt. Sheela Pednekar, Shri Amirchandra Vernekar and Shri Shaikh Jalal have requested to allow them two months time to reply. Rule 69(2) of the said Rules does not provide grant of extension for furnishing of reply. However these members have failed to submit their reply in the matter. Shri Guruprasad Ghate, has informed that he has resigned from the Managing Committee. However, he feels that the Managing Committee under the present Chairman should be given sufficient opportunity to

regularise the irregularities and if the present Managing Committee is not sufficiently successful then an administrator should be appointed to manage the affairs of the society.

The Chairman and Secretary of the society in their reply have informed that the cases against the defaulter members were not filed keeping in view the complicity of legal proceedings and in order to avoid enormous delay in recovery of the balance amount. However, the recovery persons including Secretary visit personally the loanee members and collect instalment on daily basis. Further, it is informed that the Chairman Shri Babli S. Naik was bed ridden since one year hence he was not in a position to repay the loan. The balance amount from Secretary Shri D. R. Prabhudesai will be cleared in a short time. As the term of the present Managing Committee is expiring in January, 2003 they have requested to permit them to hold fresh elections within two months. They have also requested to grant a grace period of 3 months for stabilising the society and its performance.

13. Taking into consideration the report dated 19-4-02 submitted by Asstt. Registrar of Co-op. Societies, South Zone, Margao, and the written replies filed before me and arguments made by the parties, I come to the conclusion that the Managing Committee of the Society is not functioning as per the provisions of the Act, Rules and bye-laws of the society and also found negligent in the performance of duties imposed on it under the Act, Rules and bye-laws and committed the acts which are prejudicial and detrimental to the interest of the society, its members and creditors.

14. The Goa State Co-op. Bank Ltd., Panaji which is a Apex instruction has also been consulted in the matter and it is informed by the Bank that the said society is indebted to the Bank and they have no objection for appointment of an Administrator.

I am, therefore, satisfied that there is no alternative but to remove the existing Managing Committee and appoint a Committee of Administrators to manage the affairs of the society in the interest of the society, its members and the creditors and also to hold the election afresh at the earliest, so that the management of the society is entrusted to the democratically elected Managing Committee for smooth functioning and to save the society from verge of collapse. I am therefore, inclined to pass the following order:-

ORDER

In exercise of the powers vested in me under Sub-Section (1) of Section 78 of the Maharashtra Co-op. Societies Act, 1960 as in force in the State of Goa, read

with sub-Rule (1) of Rule 61 of the Co-operative Societies Rules, 1962 I, P. K. Patidar, Registrar of Co-op. Societies, Government of Goa, Panaji, hereby supersede the existing Managing Committee, the Salcete Urban Co-op. Credit Society Ltd., Margao Goa, consisting of the following members.

| | |
|------------------------------|----------|
| 1. Shri Babli S. Naik | Chairman |
| 2. Shri Amresh Naik | Member |
| 3. Shri Vinay Borkar | " |
| 4. Shri Amirchandra Vernekar | " |
| 5. Shri Bhaskar Amonkar | " |
| 6. Shri Gregorious Dias | " |
| 7. Shri Shaikh Jalal | " |
| 8. Shri Guruprasad S. Ghate | " |
| 9. Smt. Sheela Pednekar | " |

Further, in exercise of the powers vested in me under sub-clause (ii) of Clause 1 of Section 78 of the Act, read with Clause (b) of sub-rule (1) of Rule 61 of the said Rules hereby appoint a Committee of Administrators to manage the affairs of the society in place of existing Managing Committee so removed with immediate effect, for a period of 6 months from the date of taking over the charge of the society by the Committee of Administrators consisting of the following persons:-

| | |
|----------------------------|----------|
| 1. Shri Dattaram M. Joshi | Chairman |
| 2. Shri Pravin T. Naik | Member |
| 3. Shri Shishir D. Kadkade | Member |

The Committee of Administrators shall take necessary steps to hold the election of the Managing Committee of the said Salcete Urban Co-op. Credit Society Ltd., Margao at the earliest possible.

Given under my hand and seal of this office on this 8th day of November, 2002.

P. K. Patidar, Registrar of Co-op. Societies, Goa.

Panaji, 8th November, 2002.

Department of Law & Judiciary

Legal Affairs Division

Notification

No. A 1205/G/2002

NOTIFICATION BY THE HIGH COURT OF JUDICATURE APPELLATE SIDE, BOMBAY

In exercise of the powers conferred by sub-section (3) of the Section 9 of the Code of Criminal Procedure, 1973

(No. 2 of 1974) the Honourable the Chief Justice and Judges, appoint Shri P. V. Kamat, Ad hoc Additional District Judge and Assistant Sessions Judge to exercise jurisdiction in the Sessions Division of South Goa.

High Court, Appellate Side,
Bombay, 29th April, 2003.

S. R. Sathe,
Registrar

Notification

No. A 1205/G/2002

NOTIFICATION BY THE HIGH COURT OF JUDICATURE APPELLATE SIDE, BOMBAY

Read: Government Notification Law Department (Estt.) Government of Goa, Panaji No. 2-1-97/ /LD, (contd) dated 4-9-2002 regarding appointment of Ad hoc Additional District Judge in the State under the Fast Track Courts Scheme.

I

The Hon'ble the Chief Justice & Judges are pleased to make posting of the Judicial Officer appointed under Government Notification mentioned above with immediate effect as under:—

| Name and Present Posting | New Posting |
|---|---|
| Shri P. V. Kamat, Civil Judge, Senior Division & J. M. F. C., Margao. | Ad hoc Additional District Judge & Assistant Sessions Judge, Margao. |

II

The Hon'ble the Chief Justice and Judges are also pleased to make the following postings with immediate effect.

| Name and Present Posting | New Posting |
|---|--|
| Smt. Vijaya D. Pol Civil Judge, Senior Division & J. M. F. C., Mapusa District-Panaji. | Civil Judge, Senior Division & J. M. F. C., Margao, vice Shri P. V. Kamat, promoted. |

High Court, Appellate Side,
Bombay, 29th April, 2003.

S. R. Sathe,
Registrar

Department of Revenue

Notification

No. 22/31/2002-RD

Whereas by Government Notification No. 22/31/2002-RD dated 30-9-2002 published on page 674 of Series II, No. 28 of the Official Gazette, dated 10-10-2002 and in two newspapers (1) Herald dated 10-10-2002 and (2) Rashtramat dated 10-10-2002 it was notified under section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land), was needed for the public purpose viz. L. A. for construction of road from Bazarmol to Jecy Nagar, Ponda in Ponda Constituency.

And whereas, the Government of Goa (hereinafter referred to as "the Government") being of the opinion that the acquisition of the said land is urgently necessary, hereby applies the provisions of sub-section (1) and sub-section (4) of section 17 of the said Act and directs that the Collector appointed under paragraph 2 below, shall, at any time, on the expiry of fifteen days from the date of the publication of the notice relating to the said land under sub-section (1) of section 9 of the said Act, take possession of the said land.

Now, therefore, the Government hereby declares, under the provisions of section 6 of the said Act, that the said land is required for the public purpose specified above.

2. The Government also hereby appoints, under clause (c) of section 3 of the said Act, the Deputy Collector & S.D.O., Ponda to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land and directs him under section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the Deputy Collector & S.D.O., Ponda, till the award is made under section 11.

SCHEDULE

(Description of the said land)

| Taluka: Ponda | | Village: Ponda |
|-----------------------------|---|---------------------|
| Survey No./ Sub-Div. No. | Names of the persons believed to be interested | Area in sq. mts. |
| 1 | 2 | 3 |
| 112/2 part H: | 1) Mulla Usman Muzavar. 2) Mulla Abdul Karim Muzawar. 3) Mulla Abdul Kadar Muzawar. | 645 |

| 1 | 2 | 3 |
|---------------------|--|------|
| | 4) Mulla Mohamad Kashim Muzawar. | |
| | 5) Mulla Minodin Muzawar. | |
| | 6) Mulla Hamza Muzawar. | |
| | 7) Mulla Mohammed Sarif Muzawar. | |
| | Suryakant Narayan Borkar. | |
| | Mohammed Rafic Saikalgar. | |
| | Munir Ahamad Gaudgiri. | |
| | Ismailsab Pirsab Lohar. | |
| 112/4 part H: | Balkrishna Atmaram Savoikar. | 150 |
| 119/1 part H: | 1) Vinayak Dattatray Dessai. | 480 |
| | 2) Balchandra Vinayak Dessai. | |
| | 3) Prabhakar Vinayak Dessai. | |
| | 4) Pandarinath Vinayak Dessai. | |
| | 5) Vidyadar Vinayak Dessai. | |
| | 6) Shambu Vinayak Dessai. | |
| | 7) Trimbak Vinayak Dessai. | |
| | 8) Dilip Vinayak Dessai. | |
| <i>Boundaries :</i> | | |
| | North : S. No. 112/2, 4, 119/1 and road. | |
| | South : Road & S. No. 119/1 & 112/4 | |
| | East : S. No. 112/4, 119/1. | |
| | West : S. No. 112/1. | |
| | Total | 1275 |

By order and in the name of the Governor of Goa.

C. D. Gawade, Under Secretary (Revenue).

Panaji, 14th May, 2003.

Corrigendum

No. 22/113/2000-RD

Read:- Government Notification No. 22/113/2000-RD dated 19-3-2003.

The date 10-3-2003 appearing in the second line of Para one of the above Notification published in Official Gazette, Supplement No. 51, Series, II, dated 20-3-2003, may be read as 12-3-2001.

By order and in the name of the Governor of Goa.

C. D. Gawade, Under Secretary (Revenue).

Panaji, 5th May, 2003.